

with the requirements of the covered conservation program.

(e) Requests for equitable relief shall include the following information:

- (1) The reason why the participant was unable to comply with the requirements of the conservation program;
- (2) Details regarding how much of the required action had been completed;
- (3) Why the participant did not have sufficient reason to know that the action or information relied upon was improper or erroneous;
- (4) Whether the participant did not act in reliance on their own misunderstanding or misinterpretation of the conservation program provisions, notices, or information; and
- (5) Any other pertinent facts or supporting documentation.

**PART 636—WILDLIFE HABITAT INCENTIVE PROGRAM**

- Sec.
- 636.1 Applicability.
- 636.2 Administration.
- 636.3 Definitions.
- 636.4 Program requirements.
- 636.5 National priorities.
- 636.6 Establishing priority for enrollment in WHIP.
- 636.7 Cost-share payments.
- 636.8 WHIP plan of operation.
- 636.9 Cost-share agreements.
- 636.10 Modifications.
- 636.11 Transfer of interest in a cost-share agreement.
- 636.12 Termination of cost-share agreements.
- 636.13 Violations and remedies.
- 636.14 Misrepresentation and scheme or device.
- 636.15 Offsets and assignments.
- 636.16 Appeals.
- 636.17 Compliance with regulatory measures.
- 636.18 Technical services provided by qualified personnel not affiliated with USDA.
- 636.19 Access to operating unit.
- 636.20 Equitable relief.
- 636.21 Environmental services credits for conservation improvements.

AUTHORITY: 16 U.S.C. 3839bb-1.

SOURCE: 75 FR 71338, Nov. 23, 2010, unless otherwise noted.

**§ 636.1 Applicability.**

(a) The purpose of the Wildlife Habitat Incentive Program (WHIP) is to help participants develop fish and wildlife habitat on private agricultural

land, nonindustrial private forest land (NIPF), and Indian land.

(b) The regulations in this part set forth the requirements for WHIP.

(c) The Chief, Natural Resources Conservation Service (NRCS), may implement WHIP in any of the 50 States, District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, and the Commonwealth of the Northern Mariana Islands.

**§ 636.2 Administration.**

(a) The regulations in this part will be administered under the general supervision and direction of the Chief. The funds, facilities, and authorities of the Commodity Credit Corporation (CCC) are available to NRCS to carry out WHIP. Accordingly, where NRCS is mentioned in this part, it also refers to CCC's funds, facilities, and authorities, where applicable.

(b) The State Conservationist may accept recommendations from the State Technical Committee and Tribal Conservation Advisory Council (for tribal land) in the implementation of the program and in establishing program direction for WHIP in the applicable State or tribal land. The State Conservationist has the authority to accept or reject the State Technical Committee and the Tribal Conservation Advisory Council's (for tribal land) recommendation; however, the State Conservationist will give strong consideration to the State Technical Committee and the Tribal Conservation Advisory Council's recommendation.

(c) NRCS may enter into agreements with Federal and State agencies, Indian tribes, conservation districts, local units of government, public and private organizations, and individuals to assist with program implementation, including the provision of technical assistance. NRCS may make payments pursuant to said agreements for program implementation and for other goals consistent with the program provided for in this part.

(d) NRCS will provide the public with notice of opportunities to apply for participation in the program.